

# COMMISSIONER ON THE DISABLED/DIRECTOR OF PERSONNEL

## JOINT REGULATION NO. 2

### REASONABLE ACCOMMODATION POLICY

#### I. PURPOSE:

It is the policy of the City of St. Louis to provide reasonable accommodation for qualified persons with disabilities who are employees or applicants for employment.

#### II. DEFINITIONS:

**“Person with a disability”** is any person with a physical or mental impairment, or who has a record of such impairment or who is regarded as having an impairment which substantially limits one or more major life activities, such as caring for oneself, performing manual tasks, walking, seeing, hearing, speaking, breathing and working on a permanent basis.

**“Physical or mental impairment”** is any physiological disorder, disfigurement or anatomical loss or limitation, or any mental or psychological disorder.

**“Qualified person with a disability”** is a person with a disability who satisfies the requisite skill, experience, education and other job related requirements of the employment position such person holds or desires to hold and who, with or without reasonable accommodation, can perform the essential functions of the position.

**“Reasonable accommodation”** is adjustments made for the known disability of an employee or applicant by structuring the job or the work environment in a manner that will enable the person with a disability to perform the essential functions of a job. Reasonable accommodation may include, but is not limited to, modifying written or oral examinations, making facilities accessible, adjusting work schedules, restructuring jobs, providing assistive devices, and providing interpreters for the deaf or readers for the blind or learning disabled.

#### III. PRACTICES:

In considering a person with a disability for employment or promotion or in any other personnel action, the existence of a disability should not adversely affect a personnel decision.

Employment opportunities shall not be denied to anyone because of the need to provide a reasonable accommodation. In considering a person with a disability, it is appropriate to determine the ability of that person to perform the essential functions of a job with or without reasonable accommodation. Under certain circumstances, i.e., disability is not visible, a request for medical verification of the disability is appropriate.

#### **IV. PROCEDURES:**

The Commissioner on the Disabled will review requests for reasonable accommodations made by either employees, supervisors and/or appointing authorities. The Commissioner on the Disabled shall gather and disseminate needed information and materials about requested accommodations. The Commissioner on the Disabled shall attempt to consult with the employee with a disability. The Commissioner on the Disabled shall consult with the immediate supervisor and/or any other related staff. The Commissioner on the Disabled shall advise the appointing authority in writing as to whether the requested accommodation is reasonable and should be granted. The Commissioner on the Disabled shall act in a timely manner that will enable personnel actions to proceed in their regular course.

Immediate supervisors, with the approval of their appointing authority, shall have the authority to make reasonable accommodations for applicants or employees which do not exceed \$100.00 and are totally within the work station or work site of the person with the disability. Appointing authorities shall have authority for expenditures over \$100.00. Consultation with the Commissioner on the Disabled is highly recommended when evaluating any request for reasonable accommodation regardless of cost. Although review by the Commissioner on the Disabled is advisable, the appointing authority has sole approval on expenditures and personnel matters in his/her area.

#### **V. PROCESS FOR APPLICANTS:**

1. An applicant with a known disability needing an accommodation in the application, examination or interview process shall request this accommodation from the Department of Personnel or from the Office on the Disabled in a timely fashion. If the applicant's disability is not obvious, verification of said disability can be requested from the applicant before granting an accommodation.
2. The Department of Personnel shall provide this accommodation or shall request this accommodation from the Office on the Disabled which will provide it unless it is determined by the Office on the Disabled and/or Department of Personnel as unreasonable.

#### **VI. PROCESS FOR EMPLOYEES:**

1. An employee with a known disability shall request in writing an accommodation from their appointing authority. The employee shall provide all necessary information about said disability and any requested accommodation. The employee shall be notified in writing of the decision concerning his/her requested accommodation.

#### **VII. PROCESS FOR APOINTING AUTHORITIES:**

1. An appointing authority who receives a request for accommodation shall notify the Commissioner on the Disabled of the request in writing, including the employee's written request for accommodation and any other pertinent information or materials. The

appointing authority shall inform the employee in writing of the decision concerning his/her request for accommodation.

2. If it is determined that an employee with a known disability is unable or unwilling to perform the essential functions of his/her position because of his/her disability, the appointing authority shall contact the employee in writing to ascertain whether the employee is able to perform the essential functions of his/her position with a reasonable accommodation. Further, the appointing authority shall request specific information from the employee on the nature and type of accommodation requested by the employee. If needed, the appointing authority shall request medical information concerning the ability of the employee to perform the essential functions of his/her position.
  - a. The appointing authority shall send a copy of the response, if one is received, to the Commissioner on the Disabled who shall review the requested accommodation and advise the appointing authority whether said accommodation is reasonable and should be granted.
  - b. If it is determined by the Commissioner on the Disabled that an accommodation is not reasonable and should not be granted and/or if the employee is not able to perform the essential functions on his/her position, the appointing authority with input from the Commissioner on the Disabled shall ascertain if there are any available positions that he/she can perform in the department or division in which he/she is currently employed. If there are no positions open that he/she can perform, the appointing authority shall request in writing that the Commissioner on the Disabled attempt to locate a position within the City Service that the employee can perform.

#### **VIII. COMMISSIONER ON THE DISABLED:**

1. The Commissioner on the Disabled shall review requests for reasonable accommodations from appointing authorities, supervisors and employees. The Commissioner on the Disabled shall provide advice and technical assistance to appointing authorities, supervisors, employees and applicants concerning reasonable accommodations.
2. The Commissioner on the Disabled shall collect all necessary information and materials related to accommodating applicants and employees, including medical documentation if deemed essential.
3. The Commissioner on the Disabled shall attempt to locate available jobs within the City Service.

#### **IX. APPEAL PROCEDURES:**

If an employee wishes to challenge an action related to reasonable accommodation, they can appeal it through the existing EEO Complaint Procedure established in Department of Personnel Administrative Regulation No. 103.

**X. IMPLEMENTATION:**

This policy shall be implemented as part of the Department of Personnel's Administrative Regulations. Questions concerning this joint regulation shall be referred to the Commissioner on the Disabled at 622-3686 (voice) or 622-3693 (TDD). If you need additional copies of this regulation, please contact the Compensation and Employee Relations Division of the Department of Personnel at 622-3565.

Revised and Redistributed: October 19, 1998